

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Warren R. Picard

v.

Civil No. 05-cv-234-SM

Hillsborough County Department
of Corrections, et al.

O R D E R

Proceeding *pro se* and *in forma pauperis*, plaintiff Warren R. Picard brings this civil rights action pursuant to 42 U.S.C. § 1983, alleging that defendants have abridged his rights under the First, Eighth and Fourteenth Amendments to the United States Constitution (document no. 1). Named as defendants are several officers and employees of the Hillsborough County Department of Corrections ("HCDOC").¹

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S.

¹The following HCDOC officers and employees are named as defendants in the body of the complaint: Superintendent James O'Mara; Classification Supervisor William Raymond; HCDOC Medical Department; Medical Doctor Ward; Nurse Jane Doe; and Corrections Officer Richards, Dickerson, Shultz, Gordon, Cruze, Grizil and John Doe.

District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2). For the reasons stated in the report and recommendation issued simultaneously herewith, I find that plaintiff has alleged an Eighth Amendment excessive use of force claim against Richards (Count II) and First Amendment retaliation claims against Raymond and Richards (Counts II and III). I have recommended dismissal of all remaining claims.

Accordingly, I order that the complaint be served on the defendants. As plaintiff has filed all of the necessary summons forms, I order that the complaint be served on those defendants. The Clerk's office is directed to issue the necessary summons forms and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's Office") the summonses, copies of the complaint (document no. 1), report and recommendation and this order. Upon receipt of the necessary documentation, the U.S. Marshal's Office shall effect service upon defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants shall answer or otherwise plead within twenty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

the defendants by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: October 21, 2005
cc: Warren Picard, *pro se*